

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SCOTT NATHAN MAYER,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER MAYER,

Respondent-Appellant,

and

GEORGE MCVEY,

Respondent.

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UNPUBLISHED

May 12, 2005

No. 259172

Macomb Circuit Court

Family Division

LC No. 04-056864-NA

Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (b)(iii), (g), (i), (j), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence and in terminating respondent-appellant's parental rights. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The child was brought into care after respondent-appellant took him to the hospital with severe bruises and abrasions all over his body and bleeding behind his eye. Respondent-appellant's boyfriend, Mr. Partello, was charged with the abuse. When the police went to the home to investigate, they found that the conditions of the home were abominable with human and cat feces all over and an awful stench of feces and rotten food. Respondent-appellant's parental rights to three other children had previously been terminated as the result of abuse and neglect.

Respondent-appellant argues on appeal that the trial court erred when it found that she had the opportunity to prevent the physical abuse and failed to do so, because she takes

prescription sedatives and did not hear anything the night before she took the child to the hospital and had no reason to believe that he was being abused. She also argues that the trial court erred when it found that there was a reasonable likelihood the minor child would suffer injury or abuse in the foreseeable future because Mr. Partello was in jail, respondent-appellant secured a personal protection order against him shortly after the incident, respondent-appellant was moving, respondent-appellant took the minor child to the hospital knowing that an investigation would be started, and respondent-appellant aided the police in capturing Mr. Partello.

The evidence was clear and convincing that respondent-appellant should have been aware that Mr. Partello was abusing the minor child. When the minor child was hospitalized, he had bruises all over his body. Some of the bruises were fresh but some of the bruises appeared to be about a week old. In addition, respondent-appellant testified that, before the abuse incident, Mr. Partello struck her in the head and in the hip when she was protecting the minor child during an incident in which Mr. Partello was going to strike the child. The court did not clearly err when it found that respondent-appellant made poor choices in continuing to live with Mr. Partello and allowing him to watch the minor child when she was at work. Moreover, the evidence was clear and convincing that, given the history of her abusive relationships with men, there was a reasonable likelihood that the minor child would suffer injury or abuse in the foreseeable future if placed in respondent-appellant's home. Moreover, respondent-appellant's claim that her medication knocked her out at night and she did not know what was going on is further evidence of the fact that she did not provide proper care and custody of the minor child who was three-years-old.

Although respondent-appellant argues that she is not the same person that she was when her parental rights to her three other children were terminated because, at the time of the prior terminations, she had undiagnosed bipolar disorder and anxiety and panic attacks and she was now under the treatment of a psychiatrist and taking medication for the conditions, her argument does not explain why she continued in her pattern of putting one of her minor children at risk of abuse and why she allowed the minor child to live in a home in the condition that it was found by the police. In addition, the statute does not require an examination of whether respondent-appellant was the same person that she was when her parental rights to her three other minor children were terminated four years prior.

Furthermore, respondent-appellant's argument that she should have been given the opportunity to complete a parent-agency agreement is without merit. The law is clear that if petitioner requests termination in the initial petition, the need to develop and consider a case plan to reunite the family is eliminated and the trial court can terminate parental rights at the initial disposition hearing. MCL 712A.19b(4) and MCR 3.977(E).

Finally, the trial court did not clearly err when it failed to make a determination that termination of respondent's parental rights was not in the best interests of the minor child. The evidence was clear and convincing that the minor child needed permanency and stability, which respondent-appellant was not going to be able to provide.

Affirmed.

/s/ William B. Murphy  
/s/ Helene N. White  
/s/ Michael R. Smolenski